

**CAUSE NO. 24-0753-C**

<b>LA VENTANA RANCH OWNERS ASSOCIATION, INC.,</b>	§	<b>IN THE COUNTY COURT</b>
<i>Plaintiff,</i>	§	
	§	
	§	
	§	
<b>v.</b>	§	<b>AT LAW NO. 1</b>
	§	
	§	
<b>JAKOB SKELTON AND STEPHANIE CHANG A/K/A STEPHANIE SKELTON,</b>	§	
<i>Defendants.</i>	§	<b>HAYS COUNTY, TEXAS</b>

**DEFENDANTS' OBJECTIONS TO AND MOTION TO STRIKE PLAINTIFF'S  
LATE-FILED SUMMARY JUDGMENT EVIDENCE**

TO THE HONORABLE COURT:

Defendants, JAKOB SKELTON (“**Jakob**”) and STEPHANIE CHANG A/K/A STEPHANIE SKELTON (“**Stephanie**”) (collectively “**Skeltons**” or “**Defendants**”) file these Objections to evidence attached to Plaintiff’s Reply filed on the day of the hearing, and would respectfully show the Court as follows:

**I.**  
**FACTS AND ARGUMENT**

1. Plaintiff filed its Motion for Summary Judgment on January 9, 2025 and subsequently filed Plaintiff’s First Supplemental Motion for Summary Judgment (“Plaintiff’s Motion”) on February 7, 2025.<sup>1</sup> On March 25, 2025 the Court set Plaintiff’s motion for hearing on April 21, 2025. Defendants timely filed their response brief on April 15, 2025. This morning, on April 21, 2025, Plaintiff filed a Reply brief attaching to it additional evidence purporting to support Plaintiff’s motion.

---

<sup>1</sup> Defendants served Plaintiff with their discovery responses on February 3, 2025 pursuant to the parties’ Rule 11 agreement. Plaintiff had these responses when it supplemented its motion, but did not include such responses in its supplemental motion for summary judgment.

2. Defendants object to Plaintiff's evidence attached to Defendant's Response for the reasons stated below and requests that the Court sustain Plaintiff's objections and strike the evidence.

3. Evidence supporting a party's motion for summary judgment "shall be filed and served at least twenty-one days before the time specified for the hearing." Tex. R. Civ. P. 166a(c). Discovery not on file with the clerk may only be used to support a summary judgment "if copies of the material, appendices containing the evidence, or a notice containing specific references to the discovery...are filed and served on all parties together with a statement of intent to use the specified discovery" at least twenty-one days before the hearing if used to support the motion, or at least seven days before the hearing if used to oppose the motion. Tex. R. Civ. P. 166a(d).

4. Plaintiff did not file or serve the discovery attached to its Reply, nor did it serve a statement of intent to use the discovery, at least twenty-one days before today's hearing. Therefore, the Court must sustain this objection and disregard the evidence.

**II.**  
**PRAYER**

5. For these reasons, Defendants pray that the Court sustain their Objection to Plaintiff's late-filed Summary Judgment Evidence and to strike said evidence from the summary judgment record herein, and for any and all further relief to which Defendants may show themselves justly entitled.

Respectfully submitted,

**DUBOIS, BRYANT, & CAMPBELL, LLP**  
303 Colorado Street, Suite 2300  
Austin, Texas 78701  
Telephone: (512) 457-8000  
Telecopier: (512) 457-8008

By: /s/ Melissa Carr  
Melissa Carr  
State Bar No. 24065008  
[mcarr@dbcllp.com](mailto:mcarr@dbcllp.com)

**ATTORNEYS FOR DEFENDANTS**  
**JAKOB SKELTON AND STEPHANIE CHANG**  
**A/K/A STEPHANIE SKELTON**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following counsel of record electronically on this 21<sup>st</sup> day of April 2025:

Adam Pugh  
Cagle Pugh  
4301 Westbank Dr., Suite A150  
Austin, Texas 78746  
[adam.pugh@caglepugh.com](mailto:adam.pugh@caglepugh.com)

/s/ Melissa Carr  
Melissa Carr